

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 2:20-CR-00172-01-BSM

JUSTIN SMITH

DEFENDANT

ORDER

Justin Smith's pro se motion to reduce sentence [Doc. No. 62] is denied. The retroactive application of Amendment 821 to the Federal Sentencing Guidelines does not apply to his case. This is true because, although Smith has zero criminal history points, the instant offense of conviction was a sex offense. *See* U.S.S.G. § 4C1.1(a)(5). Additionally, Smith's plea agreement "waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2) . . ." Doc. No. 55 at 3. Because Smith knowingly and voluntarily entered into his plea agreement, he is not entitled to relief. *United States v. Cowan*, 781 F. App'x 571, 571-72 (8th Cir. 2019) (per curiam) (affirming dismissal of a § 3582(c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).

IT IS SO ORDERED this 17th day of January, 2025.


UNITED STATES DISTRICT JUDGE